

The defendant's claim has been waived. Moser's Plea Agreement expressly waived her right to collaterally attack her sentence other than to raise issues that cannot be waived, by law, or for ineffective assistance of counsel. *See United States v. Lemaster*, 403 F.3d 216, 220 (4th Cir. 2005) (concluding that collateral

attack waivers are generally enforceable following a knowing and voluntary guilty plea, as was the case here). Second, at the time of sentencing, Moser never requested a reduction for a minor role, nor objected to the Presentence Investigation Report (“PSR”), which did not include such a reduction. Accordingly, she has procedurally defaulted on this claim. *See United States v. Mikalajunas*, 186 F.3d 490, 492 (4th Cir. 1999) (noting that in order to collaterally attack a conviction or sentence, the defendant generally must have raised those claims before the trial court and on direct appeal).

Finally, Moser has not pointed to any evidence that would have warranted a minor role reduction. The evidence set forth in the PSR shows that she admitted that she had been involved in selling large quantities of methamphetamine, which evidence was corroborated by her fellow conspirators. PSR ¶¶ 11-14, 17, ECF No. 42. This evidence was sufficient to support her guideline range.

Accordingly, the defendant’s motion (ECF No. 45) is DENIED.

It is so **ORDERED**.

ENTER: May 9, 2018

/s/ James P. Jones  
United States District Judge